INTRODUCTION

The review of citizen complaints about police behavior has been a controversy in American law enforcement for many years. In response to public dissatisfaction with internal police complaint review procedures, many cities and counties have established external (or citizen) complaint review procedures (Walker and Wright, 1995). These procedures vary considerably with respect to their mission, formal structure and operating policies (Goldsmith, 1991a; Walker, 1995a; West, 1988). The existing variations have introduced a number of unresolved problems related to the goals of citizen review. The purpose of this article, which is descriptive in nature, is to specify some of the major variations among citizen review procedures, to discuss the implications of these variations for enhancing the accountability of the police, and to identify research needs in the area of citizen complaints.

POLICE MISCONDUCT AND CITIZEN COMPLAINTS

Citizen complaints about police behavior, particularly the excessive use of force, is one part of the larger problem of relations between the police and racial and ethnic minority communities (Chevigny, 1969; Geller and Toch, 1995; NAACP, 1995; National Advisory Commission on Civil Disorders, 1968; US Commission on Civil Rights, 1978, 1981a, 1981b). Civil rights groups have alleged that minorities are the victims of widespread police abuse and that internal police department procedures for handling citizen complaints fail to
adequately investigate complaints and discipline officers (ACLU, 1964, 1966, 1992; Chevigny, 1969; Littlejohn, 1981b). The National Advisory Commission on Civil Disorders, (1968:310-12), for example, concluded that police abuse and inadequate complaint procedures were among the causes of the riots of the 1960s. The 1991 Rodney King incident and its aftermath indicated the persistence of these problems in the 1990s (NAACP, 1995; Skolnick and Fyfe, 1993; Walker, Spohn and DeLone, 1996).

Official data on citizen complaints consistently show that racial and ethnic minorities are overrepresented among persons alleging police misconduct. The Police Foundation study of police use of force found that African-Americans represented 21.3 percent of city populations but 42.3 percent of persons filing complaints. Similar disparities are found in official data reported by individual police departments and citizen review procedures (New York CCRB, 1993). The Police Foundation also found that African-American complainants are less likely to have their complaints sustained than were white complainants. They represented 42.3 percent of all complaints filed with city police departments, but only 27.3 percent of all sustained complaints (Pate and Fridell, 1993:95). Hispanic Americans, on the other hand, were underrepresented among persons filing complaints against the city police relative to the presence in the city populations (Pate and Fridell, 1993:1,95).

The perceived failure of internal police complaint procedures has led civil rights groups to demand the creation of external, or citizen complaint review procedures. Terrill (1991:294-5) observes that “Racial discrimination or allegations of it are usually at the heart of most movements to introduce a civilian oversight mechanism”. Although proposals for citizen review were defeated in the 1960s (Kahn, 1975; Terrill, 1988), the concept spread rapidly beginning in the 1980s. The number of citizen review procedures increased from 13 in 1980 to more than 65 by 1995 (Walker and Wright, 1995). Bayley (1991:vi) argues that, with the exception of a few specialists, “few people are aware of how general this movement [toward citizen review] has been”. The growth of citizen review procedures, moreover, is but one part of a pervasive climate of change and ferment in policing, which includes community policing and demands for greater accountability of the police (Bayley, 1994).

As a result of its rapid growth, citizen review takes many different forms. Goldsmith (1988), Kerstetter (1985), Perez (1994), and Walker and Bumphus (1991) created taxonomies classifying citizen review procedures according to the nature and extent of citizen input in the
complaint process. Other variations, some of which are explored in this study, also exist (Walker, 1995a). These variations have added a new complexity to both public policy debates and scholarly research on citizen review. Traditionally, the issue of citizen review has been framed in terms of a sharp dichotomy between internal and external forms of review. Advocates of citizen review have argued that it is a more independent and effective means of handling citizen complaints (ACLU, 1964, 1966, 1992; Littlejohn, 1981b; Luna, 1994; NAACP, 1995; Terrill, 1990), while opponents argue that it is ineffective, wasteful and an improper intrusion on the professional autonomy of law enforcement agencies (AELE, 1982; IACP, 1964; Perez, 1994).

Given the variations that now exist, the traditional dichotomy is no longer an adequate framework for discussing complaint review systems. With respect to public policy, the choice is not a simple either/or question of whether or not to adopt citizen review. Rather, it is a question of which form of citizen review, if any, to adopt. With respect to evaluation research, it is no longer a question of the effectiveness of citizen review relative to internal review. Instead, it is a question of effectiveness of particular forms of citizen review relative to other forms and/or different forms of internal review.

It should also be noted that there appear to be great variations among internal police complaint review procedures (Chevigny, 1969:264; Perez, 1994). Thus, on the other side of the equation, the public policy choice involves one form of internal review versus another. The evaluation issue, meanwhile, involves the relative effectiveness of one form of internal review vis-à-vis other forms of internal review and/or various forms of citizen review. The literature on police internal affairs units, related to both citizen complaints and corruption allegations, is far smaller than on citizen review (Kappeler, Kraska and Marrone, 1995; Mollen Commission, 1994; Perez, 1994; Sherman, 1978). This article, however, focuses exclusively on citizen review.

THE LITERATURE ON CITIZEN REVIEW

The literature on citizen review falls into four general categories. The first group consists of the polemical literature advocating (ACLU, 1964, 1966, 1992; NAACP, 1995) or opposing (AELE, 1982; IACP, 1964) the concept. Both sides rely primarily on anecdotal evidence about
the effectiveness or ineffectiveness of different complaint review systems.

The second group includes studies of the political controversies surrounding citizen review in particular cities (Jones, 1994; Kahn, 1975; Littlejohn, 1981a, 1981b; Terrill, 1988). While rich in detail about local events, these studies have been relatively limited in their analytic framework. Only two studies have investigated the political dynamics surrounding the adoption or rejection of a citizen review proposal. Bellush (1971) analyzed voting data from the 1966 New York City referendum to investigate the sources of support and opposition to the Civilian Complaint Review Board. Browning, Marshall and Tabb (1984:152-6) investigated the relationship between civil rights activity and the representation of African-Americans in local government and the adoption of a citizen review procedure. This study was limited to a few cities in California, and the findings have been rendered out of date by subsequent developments in many of the cities studied.

The third group consists of descriptive studies of the formal administrative structure of citizen review agencies. The major focus has been on developing taxonomies based on the nature and extent of citizen input (Goldsmith, 1988; International City Management Association, 1992; Kerstetter, 1985; Perez, 1994; Walker and Bumphus, 1991; West, 1988).

The fourth group of studies consists of attempts to evaluate the effectiveness of citizen review (Hudson, 1972; Jolin and Gibbons, 1984; Kerstetter, 1985, 1995; Kerstetter and Rasinski, 1994; Luna, 1994; Perez, 1978, 1994; Perez and Muir, 1995; Sviridoff and McElroy, 1988, 1989a, 1989b). These studies suffer from several limitations, however. Only two have attempted to compare internal and citizen review complaint procedures (Hudson, 1972; Perez, 1978, 1994), and both suffer from methodological weaknesses. All of the existing studies fail to take into account the highly problematic nature of official data on complaints (Adams, 1995; Walker, 1995b; Walker and Bumphus, 1992). Only one (Sviridoff and McElroy, 1988, 1989a, 1989b) evaluates citizen review in terms of more than one of its goals.

Citizen Review and Police Accountability

Citizen review developed as a strategy for enhancing the accountability of the police to the public. The core assumption is that the involvement of citizens will provide a more independent and therefore more effective review of citizen complaints than internal review. Studies of
the police subculture have found a strong element of group solidarity among the police, particularly in the face of external criticism, and a willingness to lie to cover up misconduct by other officers (Westley, 1970).

The idea that citizen review is more independent and effective than internal review involves four closely linked propositions, which may be summarized as follows:

1. Citizens will be more objective than sworn police officers, and will therefore conduct more thorough investigations.

2. Greater objectivity and thoroughness will result in more complaints being sustained and more disciplinary actions being taken against officers.

3. A higher rate of sustained complaints and disciplinary actions will deter police misconduct more effectively than internal review (through both general and specific deterrence).

4. The actual and perceived independence of citizen review will produce higher levels of satisfaction on the part of both individual complainants and the general public.

These assumptions remain essentially untested. The literature on citizen review has neither subjected each of the propositions to critical analysis, nor examined the linkages between propositions. There are few discussions of the “independence” of complaint systems (Terrill, 1990), few meaningful discussions of what constitutes “thorough” investigation of complaints (Kappeler et al., 1995; Perez, 1994), little discussion of the problems associated with the sustain rate (Walker, 1995b; Walker and Bumphus, 1992), and little research on the impact of different complaint review systems on citizen perceptions (Perez, 1978). By the same token, it should be noted that the assumptions underlying the criticisms of citizen review (AELE, 1982; IACP, 1964; Perez, 1994) also remain untested.

The purpose of this article is to specify important variations in the mission, structure and policies of citizen review procedures and to discuss the implications of these variations for the goal of enhancing the accountability of the police. This article advances research on citizen review in three respects. First, it is based on a comprehensive sample of existing citizen review procedures, as opposed to the selective samples used in previous studies\(^2\). Second, it focuses on a wider range of administrative features of citizen review than previous studies. Third, it raises new questions about the relationship between administrative features and the larger goal of enhancing police accountability.
METHODOLOGY

This article is based on an analysis of official documents related to 65 citizen review procedures in the United States. It is believed that these 65 procedures represent the entire universe of citizen review procedures as of January 1995. Previous studies have been based on small and highly selective samples of citizen review procedures.

Citizen review is defined here as a “procedure for handling citizen complaints about police officer misconduct that involves persons who are not sworn officers at some point in the process” (Walker and Bumphus, 1991:1). The commonly used term “civilian review board” is inappropriate because some procedures do not involve a multi-member board, but are administrative agencies with a single executive director (see below). The generic term citizen review procedure is used rather than agency because some complaint review systems are citizen-staffed procedures within the formal structure of the police department, while others are separate governmental agencies3. The term “civilian” is not used since it implies a “civilian/military” dichotomy that is inappropriate for domestic policing (Bittner, 1970).

Capturing the universe of citizen review agencies poses a number of difficulties. No national-level agency monitors changes in police complaint procedures on an ongoing basis4. The International Association For Citizen Oversight of Law Enforcement (IACOLE), a professional association of citizen review staff and board members, has published two compendia describing citizen review procedures, but these documents are neither systematic nor current (IACOLE, 1985, 1989).

This study utilized a variety of techniques to capture the universe of citizen review agencies. Initially, the police departments in the 100 largest cities in the United States were surveyed by mail and asked to indicate whether or not they were subject to some form of citizen review. Citizen review procedures in smaller cities and in county governments were identified through a combination of other methods:

(1) a review of the membership list, newsletters and compendia published by IACOLE;

(2) consultation with key informants (citizen review staff members, community activists, scholars), known to the authors to be knowledgeable about the subject;
a review of published surveys of citizen review agencies (New York City, 1992; New York Civil Liberties Union, 1993);

monitoring of selected national news media (e.g. The New York Times, Law Enforcement News).

Once a citizen review procedure was identified, telephone inquiries to local officials were made to verify the existence of the procedure and to request copies of the relevant documents. The experience of this process dramatized the problems associated with mail and telephone inquiries (Pate and Fridell, 1993:1,59-60). In several instances, local officials (in police departments, mayor’s offices, city councils) were either ignorant of or misinformed about existing citizen review procedures. In those cases, follow-up calls to other officials were necessary to verify the initial information.

The official documents requested included:

1. enabling ordinances, statutes and executive orders;
2. official rules and procedures;
3. annual reports. These documents were analyzed in terms of the role and mission, organizational structure and operating policies of each citizen review agency.

VARIATIONS AMONG CITIZEN REVIEW PROCEDURES

Table 1 presents the findings of the analysis of the official documents related to the 65 citizen review procedures. The findings and the implications for police accountability are discussed below.

Role and Mission

The role and mission of citizen review has traditionally been defined as an independent mechanism for reviewing complaints against police officers on a case-by-case basis. This definition does not accurately describe existing citizen review procedures in three respects, however. First, many procedures are not fully independent because citizens do not conduct the initial fact-finding investigations. Second, some do not
individual complaints at all, while many others also have authority to review police department policies. Third, some procedures handle complaints against other public employees in addition to police officers.

The Nature of Citizen Input

As noted above, citizen review is intended to enhance the accountability of the police through citizen involvement in the review of

<table>
<thead>
<tr>
<th>Table 1</th>
<th>ORGANIZATIONAL FEATURES OF CITIZEN REVIEW (n = 65)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Case-by-case complaint review</td>
<td>63</td>
</tr>
<tr>
<td>Case-by-case review only</td>
<td>23</td>
</tr>
<tr>
<td>Case-by-case review and policy review</td>
<td>40</td>
</tr>
<tr>
<td>Policy review only</td>
<td>2</td>
</tr>
<tr>
<td>Nature of citizen input</td>
<td></td>
</tr>
<tr>
<td>Conduct investigations</td>
<td>22</td>
</tr>
<tr>
<td>Provide input</td>
<td>30</td>
</tr>
<tr>
<td>Monitor, audit</td>
<td>13</td>
</tr>
<tr>
<td>Responsible for complaints against:</td>
<td></td>
</tr>
<tr>
<td>Police officers only</td>
<td>54</td>
</tr>
<tr>
<td>Police officers and other public employees</td>
<td>11</td>
</tr>
<tr>
<td>Agency with single director</td>
<td>10</td>
</tr>
<tr>
<td>Multi-member board</td>
<td>55</td>
</tr>
<tr>
<td>Average number of board members</td>
<td>10</td>
</tr>
<tr>
<td>With police officers as members</td>
<td>15</td>
</tr>
<tr>
<td>Authority to recommend:</td>
<td></td>
</tr>
<tr>
<td>Disposition of complaint only</td>
<td>39</td>
</tr>
<tr>
<td>Specific disciplinary action</td>
<td>26</td>
</tr>
<tr>
<td>Policies and procedures</td>
<td></td>
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<tr>
<td>Independent investigative power</td>
<td>25</td>
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<tr>
<td>Subpoena power</td>
<td>25</td>
</tr>
<tr>
<td>Public hearings</td>
<td>30</td>
</tr>
<tr>
<td>Legal representation</td>
<td>21</td>
</tr>
<tr>
<td>Full criminal trial model</td>
<td>7</td>
</tr>
<tr>
<td>Mediation</td>
<td>13</td>
</tr>
</tbody>
</table>
complaints. Previous studies, however, have found significant differences in the nature of citizen involvement and have attempted to classify citizen review procedures accordingly (Goldsmith, 1988; Kerstetter, 1985; Perez, 1994; Walker and Bumphus, 1991). Despite variations in terminology, these studies generally distinguish between procedures where:

1. citizens, or non-sworn persons conduct the initial fact-finding investigations on complaints;

2. citizens have some input in the review of complaints but do not conduct the fact-finding investigations;

3. citizens monitor or audit the complaint process but do not review individual complaints.

Table 1 indicates that citizens conduct the initial fact-finding investigations in 34 percent of all citizen review procedures, provide input in 46 percent and have a monitoring or auditing role in 20 percent of cases.

Discussion

The above data have enormous implications for the assumptions underlying citizen review. As noted above, the core assumption is that it will provide a more independent review of complaints. Yet, in two-thirds of all citizen review procedures, complaints are investigated by sworn officers. This raises serious questions about whether the related goals of citizen review (more complaints sustained, greater deterrence of misconduct, etc.) are likely to be attained. In short, the majority of existing citizen review procedures are less independent than is widely believed.

Case-by-Case Complaint Review vs Policy Review

Citizen review is intended to provide an independent review of complaints against the police. The data in Table 1 indicate that 97 percent of citizen review procedures review individual citizen complaints. This is referred to here as the case-by-case complaint review function. At the same time, however, nearly two-thirds of all citizen review procedures are also authorized to review police department policies and to recommend changes where appropriate. This role is referred to here as the
policy review function. Two citizen review procedures (3 percent of the total) engage only in policy review.

Discussion

Case-by-case complaint review and policy review represent different strategies for enhancing police accountability. The case-by-case approach is consistent with the assumptions about citizen review identified above (more independent investigations, more sustained complaints, etc.). This approach is primarily a deterrence strategy. Policy review, on the other hand, represents a preventive strategy. Instead of punishing individual officers, it focuses on identifying and correcting underlying problems as a way of preventing future misconduct (Gellhorn, 1966:191-3). Kerstetter (1985:180) argues that policy review should focus on the integrity of the complaint process. Bayley (1991:ix) argues that a citizen review procedure can use complaints to “determine recurrent problems in police operations that might lead to changes in policy, tactics, training and supervision”.

The question of which strategy is more effective in achieving police accountability is not addressed in the current literature on citizen review. No evaluations have investigated the deterrent effect of sustained complaints, either on individual officers or the police department as a whole. Meanwhile, there are no studies of the policy review function. It is not known whether citizen review procedures even utilize their policy review authority, whether policies they recommend are adopted by police departments, or whether such policies have any impact on policing. Thus, it is impossible to say whether the preventive strategy embodied in the policy review function is an effective means of achieving accountability, or whether it is relatively more or less effective than the deterrence strategy embodied in the case-by-case approach.

In short, citizen review procedures have embraced two different definitions of their role and mission, reflecting different strategies for achieving accountability. It is impossible at this point to draw any conclusion regarding their relative effectiveness.

Jurisdiction

Citizen review developed as a mechanism for achieving accountability of the police. Alleged misconduct on the part of other
government officials has never generated equivalent demands for external scrutiny by citizen-dominated procedures (Gellhorn, 1966:170-1). Yet, as Gellhorn (1966:185-6) points out, most people, particularly the poor, have more frequent contact “with welfare and educational authorities than with the police”. Decisions made by these officials, while not as dramatic as an arrest or a shooting, have profound effects on the lives of ordinary people in important ways.

Table 1 indicates that 17 percent of existing citizen review procedures have jurisdiction over complaints against other public employees as well as police officers.

Discussion

Jurisdiction over complaints against other public employees has important implications for the role and mission of citizen review. First, it responds to the criticism that citizen review unfairly singles out the police for special scrutiny (Terrill, 1991:294). Second, it embodies the principle that all public officials should be held to a high standard of accountability (Gellhorn, 1966:186). In short, the broader jurisdiction embodied in some citizen review procedures offers a model for a more comprehensive approach to the accountability of public employees.

At present, little is known about the activity of citizen review procedures with respect to complaints about public employees. There is virtually no discussion in the literature on this aspect of the role and mission of citizen review. Nor are there any studies of the handling of complaints against non-police employees.

Organizational Structure

Citizen review procedures differ significantly in terms of formal organizational structure. The vast majority (85 percent) involve a multi-member board, while the remainder (15 percent) are administrative agencies with a single executive director (Table 1). The 55 procedures with multi-member boards vary substantially in terms of the size and composition of their boards. Boards range in size from 24 to three members, with an average of ten members. Some include sworn police officers, while others do not.
Discussion

The implications of organizational structure for police accountability are illuminated by modeling citizen review structures. Multi-member boards embody a direct representation model of accountability. This model assumes that police accountability is enhanced by directly involving representatives of diverse elements of the community, particularly racial and ethnic minorities, in the complaint review process. This approach is based on the prevalent view that police departments are isolated from the public, are resistant to external scrutiny and are particularly alienated from racial and ethnic communities. It should be noted that a variety of police reform efforts over the past 30 years have been based on a similar analysis of police problems. These reforms include police-community relations programs (US Department of Justice, 1973), team policing (US Department of Justice, 1977), foot patrol (Police Foundation, 1981) and community policing (Eck and Spelman, 1987; Greene and Mastrofski, 1988). The direct representation model assumes that the appointment of minority group members to citizen review boards will help to overcome the conflicts between the police and minority communities. Citizen review procedures with a single director represent an administrative model of accountability. This approach assumes that a given problem (e.g. police misconduct) is best addressed through a specialized bureaucratic agency. The agency itself is held accountable through the review of its director’s performance by elected officials (e.g. the mayor, city council) who are answerable to the public through the electoral process.

The direct representation model leaves two important questions unresolved. First, which groups are entitled to representation on a citizen review board? Second, which individuals effectively represent a particular group?

With respect to the first question, anecdotal evidence suggests that the African-American and Hispanic communities are represented on virtually all citizen review boards. In a few procedures, positions are reserved for the representatives of specific civil rights organizations. The issue of group representation on citizen review agencies has not received explicit discussion in the literature. There is no discussion of the appropriate level of minority group membership. The issue of “tokenism” has not been addressed. Nor has there been any discussion of the representation of other groups, including native Americans, Asian-
Americans, women, gays and lesbians and police officers. The latter two groups raise special issues.

The question of whether gay and lesbian people are entitled to representation on citizen review boards is a matter of great controversy. On the one hand, there is evidence that gay and lesbian people are frequent victims of police harassment and excessive use of force (Herek and Berrill, 1992). On the other hand, some people regard homosexuality as morally offensive and oppose any official government recognition of gay and lesbian people.

The issue of police officer membership on citizen review boards raises particularly serious questions. As Table 1 indicates, 15 (or 27 percent) of the 55 review boards have sworn police officers as members. The extent of police participation varies from a high of 75 percent to a low of 8 percent of all members, with an average of 37 percent.

As noted above, citizen review is intended to provide an independent review of complaints against the police. Police officer membership, however, raises questions about the actual and perceived independence of citizen review boards on which they serve (Terrill, 1990). Does it result in less thorough investigation of complaints and fewer sustained complaints than would otherwise be the case? Does police officer membership compromise the perceived independence of a citizen review board in the eyes of the community? Neither of these questions have been addressed in the literature on citizen review.

The second question raised by the direct representation model involves which individuals effectively represent particular communities. The issue of “tokenism” is an extremely sensitive one in American racial politics. As Guinier (1994) argues with respect to legislative districting, skin color does not guarantee a particular point of view on social and political issues. Similarly, it cannot be assumed that all African-Americans hold the same viewpoint about their local police. A particular leader may have close ties to the political establishment (e.g. mayor, city council, police department, etc.) and gain appointment to a citizen review board as a result. It is not clear whether such a person is in fact independent of the police and is perceived as being independent. Such a person may tend to favor police officers when reviewing complaints on the basis of his or her general outlook on social and political issues (e.g. as a small business entrepreneur who wants strong police action against street crime). In short, skin color does not ensure actual or perceived independence of the police.
The same question arises with respect to police officer members of citizen review boards. The increased diversity of law enforcement personnel has resulted in the emergence of different points of view among officers and organizations representing different perspectives. An officer appointed to serve on a citizen review board, for example, could be the de facto representative of the local police union and, therefore, could be hostile to the citizen review procedure. Alternatively, an officer could be the representative of a racial or ethnic minority group organization and, therefore, be more favorably inclined towards complaints filed by minority citizens.

Similar questions arise with respect to the administrative model of citizen review. The goal of an independent review of complaints assumes that the agency director is both independent of the police and perceived as such. Anecdotal evidence suggests that some agency directors are retired law enforcement officers. It is an unresolved question whether such individuals are “independent” of the police, or are perceived as being independent.

At present, there is no research on the composition of citizen review boards, the characteristics of citizen review agency directors, or the processes by which these persons are selected. In the literature on citizen review there is virtually no discussion of the question of which groups are entitled to representation on boards, the special issue of police officer membership, or the complex problem of determining who is sufficiently independent of the police. All of these issues are directly relevant to the basic question of the actual and perceived independence of the citizen review process.

Operating Policies

Citizen review procedures differ with respect to many operating policies (Walker, 1995a). The analysis here focusses on four which have direct implications for police accountability: independent investigative power, subpoena power, public hearings and legal representation. These four represent a criminal trial model of complaint investigation. The criminal trial model assumes that the investigation of complaints against the police should resemble, as nearly as possible, the traditional criminal trial. The crucial elements include, but are not limited to, an adversarial process, investigation of alleged wrongdoing by an independent authority, sufficient procedures for obtaining all relevant facts,
adjudication in a public hearing and a right to legal representation for all parties to the dispute.

The alternative to the criminal trial model is the administrative investigation model. This model resembles a standard internal personnel process: a closed, nonpublic procedure, with some limited due process protections for the employee.

As noted above, 34 percent of all citizen review procedures have independent investigative powers. Previous studies have regarded this power as the defining characteristic of the different types of citizen review (Goldsmith, 1988; Kerstetter, 1985; Walker and Bumphus, 1991). This study places it in the context of the other policies designed to ensure independent and thorough investigation of complaints. Thirty-eight percent of citizen review procedures have subpoena power; about half (46.2 percent) conduct public hearings; and almost one-third (32 percent) allow legal representation for either the police officer, the citizen or both. Only seven, or 10.7 percent of all citizen review procedures, however, have all four elements of the criminal trial model. Two procedures, representing 3 percent of the total, have no elements of the criminal trial model. The vast majority (86 percent) are hybrids, with some features of the criminal trial model.

Discussion

The criminal trial model represents a strategy for achieving independent and thorough review of complaints. There are two reasons for questioning the viability of this model, however. First, as the data indicate, only 34 percent of all citizen review procedures have the most important element of the criminal trial model – independent review of complaints – and only 10 percent have four key policies associated with the model. This raises serious questions about whether the vast majority of citizen review procedures have sufficient powers to fulfill the goals of the criminal trial model. Second, there are good reasons for questioning whether the criminal trial model is appropriate for the complaint process.

The criminal trial model is rarely found in the criminal process itself. It is a truism in the administration of criminal justice that few cases go to trial and that the criminal process is an administrative rather than an adversarial one (Bureau of Justice Statistics, 1992; Parker, 1968). The adversarial trial disappeared many decades ago, for many complex reasons (Heumann, 1978). It is legitimate, therefore, to ask whether the criminal trial model is appropriate for the review of complaints against
the police. Gellhorn (1966) and Kerstetter (1985) have questioned whether citizen review, as an adversarial proceeding, is capable of conducting more independent investigations, sustaining more complaints and achieving the other related goals.

The criminal trial model is further limited by the fact that only a handful of citizen review procedures have the power to impose discipline on police officers; most can only make advisory recommendations to the police chief executive (Perez, 1994; Walker and Bumphus, 1991). The scope of recommendations by citizen review procedures, moreover, also varies. Forty percent of all citizen review procedures are authorized to recommend a specific disciplinary action in a given case (Table 1). The others only make recommendations about the disposition of the complaint (i.e. sustained, unfounded, not sustained, exonerated), leaving the decision about disciplinary action up to the chief executive. In short, the powers of citizen review procedures are far more limited than those of judges in the criminal process.

The appropriateness of the criminal trial model for citizen review of complaints has received only limited attention in the literature to date (Gellhorn, 1966; Kerstetter, 1985; Perez, 1994). Two general possibilities merit consideration. If the criminal trial model is appropriate, it is important to specify the features necessary for effective performance. Those features are not necessarily limited to the ones discussed here and would also include sufficient resources in terms of staff and budgets. There is little discussion and no research, however, on the question of what features are likely to guarantee effective achievement of the goals of citizen review.

If the criminal trial model is inappropriate, alternative models need to be explored. Several alternatives already exist in at least some limited form. One approach is the resolution of complaints through mediation. Mediation is regarded as less costly and time-consuming than an adversarial proceeding and less likely to aggravate the polarization between citizens and the police. Sviridoff and McElroy (1989a:9), moreover, suggest that it is more consistent with the goals of complainants.

As Table 1 indicates, about 19 percent (12 out of 65) of citizen review procedures currently offer some form of mediation. To date, however, only one study examines mediation in a citizen review process and it reaches no definitive conclusions regarding its effectiveness (Sviridoff and McElroy, 1989a). More research is needed on the nature of
mediation procedures in the handling of complaints against the police and its effectiveness relative to other procedures.

A second alternative is to abandon case-by-case review of complaints altogether in favor of policy review. As discussed above, this approach seeks to achieve police accountability through a preventive rather than a deterrent strategy.

A third alternative is a hybrid approach, combining case-by-case review (perhaps limited to the most serious kinds of complaints) and policy review. As Table 1 indicates, this approach exists in nearly two-thirds of all citizen review procedures. The hybrid approach is consistent with Bayley’s (1991:ix) suggestion that there should be different procedures for different kinds of complaints.

CONCLUSION

Citizen review of complaints against police officers has emerged as an important new aspect of policing. Its rapid growth has produced a wide variety among procedures with respect to their mission, structure and operating policies. It is no longer possible to speak of “citizen review” as an undifferentiated phenomenon. Many different forms currently exist. Future discussions of the subject, along with attempts to evaluate the effectiveness of complaint review systems, need to take into account these variations. The assumptions underlying citizen review, meanwhile, also need critical examination. This article has highlighted the problematic relationship between the goals of citizen review and administrative features. Although citizen review is designed to provide an independent review of complaints, many existing procedures are not structured in ways that guarantee fulfillment of that goal.

Future research on citizen review needs to focus on three related issues. First, additional research is needed to specify in greater detail the variations among citizen review procedures. At the same time, additional research is needed on the variations among internal police complaint procedures. Second, the assumptions underlying citizen review need more critical assessment than they have received to date. Third, there is a need for rigorous comparative evaluations of complaint review systems which take into account the variations among both citizen review and internal police review procedures.

Citizen review of complaints against the police has spread rapidly in recent years, in the United States and in other countries. This change is
only one part of a pervasive atmosphere of innovation in policing. Bayley (1995:101) argues that the present era may be “the most creative period in policing since the modern police officer was put on the streets of London in 1829”. As an attempt to enhance the accountability of the police, citizen review is consistent with the goal of making the police more responsive to the public. Additional research is needed to determine the relationship between citizen review and other innovative programs, such as community policing, designed to enhance police accountability and responsiveness to the public.

NOTES

1. A wide variety of terms are used to describe these procedures: “external review”, “civilian review”, “civilian oversight” and “citizen review”. This article uses citizen review.


3. An earlier version of this research (Walker and Wright, 1995) reported a total of 66 citizen review agencies. Albany, New York, was incorrectly reported as having a citizen review procedure. The corrected total, reported here, is 65.

4. There is considerable misunderstanding on this subject. Because the San Francisco Office of Citizen Complaints is under the jurisdiction of the San Francisco Police Commission it is, in an official and legal sense, a part of the law enforcement agency. The San Diego County Citizens Law Enforcement Review Board, on the other hand, is a separate county agency.

5. The Law Enforcement Management and Administrative Statistics, 1993 (Bureau of Justice Statistics, 1995) includes a question regarding citizen review. A follow-up investigation by the authors of this article currently in progress has tentatively found a number of errors where a law enforcement agency is incorrectly listed as having a civilian review board. For further criticisms of the LEMAS methodology and data, see Walker and Katz (1995).

6. Some additional information came from journalists who contacted the lead author about developments related to citizen review in their area.
The hazards of mail surveys are illustrated by the Police Foundation survey of the use of force (Pate and Fridell, 1993:II, B-24) which produced an estimate of the number of citizen review procedures twelve times higher than the one reported here. The Police Foundation estimate that 5.3 percent of all municipal police departments have some form of citizen review yields a total of 636 procedures (0.053 × 12,000). The estimate that 7 percent of all sheriffs departments have citizen review yields another 210 procedures (0.07 × 3,000). The authors of the Police Foundation survey acknowledge the limitations of mail surveys (Pate and Fridell, 1993:58-60). The exceptions are the San Francisco Office of Citizen Complaints, the Milwaukee Fire and Police Commission, the Chicago Police Board and the Detroit Police Commission. The police departments in these cities are governed by citizen commissions which have the ultimate authority to discipline police officers.

REFERENCES AND FURTHER READING


IACOLE (1985), *Compendium of Civilian Oversight Agencies*, IACOLE, Chicago, IL.


NAACP (1995), Beyond the Rodney King Story: An Investigation of Police Misconduct in Minority Communities, Northeastern University Press, Boston, MA.


Walker, S. and Bumphus, V.W. (1991), *Civilian Review of the Police: A National Survey of the 50 Largest Cities*, University of Nebraska at Omaha, Omaha, NE.


